

**DURHAM CITY COUNCIL/DURHAM COUNTY BOARD OF
COMMISSIONERS MEETING**

Monday, April 29, 2002 – 7:00 p.m.

**Durham Public Schools Staff Development Center
2107 Hillandale Road**

City Council Members In Attendance: Mayor William V. Bell, Mayor Pro Tempore Lewis Cheek and Council Members John Best Jr., Howard Clement III, Cora Cole-McFadden and Thomas Stith III. Excused Absence: Council Member Tamra Edwards.

County Commissioners In Attendance: Chair Mary Ann Black, Vice Chair Ellen Reckhow and Commissioners Joe Bowser, Rev. Philip Cousin and Becky Heron.
Absent: None.

Staff: City Manager Marcia Conner, County Manager Mike Ruffin, City Attorney Henry Blinder, County Attorney Chuck Kitchen, Deputy County Managers Wendell Davis and Carolyn Titus, Public Information Officer Debra Craig-Ray, City of Durham Transportation Staff Wesley Parham and Mark Ahrendsen; City Clerk D. Ann Gray and Clerk to the County Commissioners Garry Umstead.

Also in attendance: Representative Paul Luebke, North Carolina Department of Transportation Board Member Ty Cox, Janet D'Ignazio of NCDOT and Roy Bruce of H. W. Lockner & Associates.

Mayor Bell called the meeting to order noting the purpose of the meeting is to receive a report from NCDOT on the Northern Durham Parkway Alternative evaluation. The Mayor stated a public hearing will be held at a later date to receive citizens' comments on the Northern Durham Parkway Alternative.

Chair Black welcomed everyone in attendance noting that a public hearing to receive comments from the citizens will be scheduled at a later date.

SUBJECT: Presentation on Evaluation of Northern Durham Parkway Alternative

To receive a report from NCDOT on the Northern Durham Parkway Alternative to the Durham Northwest/Northeast Loop.

Wesley Parham, of the City Transportation Division, presented background information on the following:

History and Chronology

- In 1967 - Durham Thoroughfare Plan developed to address future thoroughfare needs for the City of Durham.

- Significant plan element is the proposed EnoDrive/ Gorman Road.
- Major plan updates in 1980 and 1991 re-evaluated and affirmed the purposed and need of the Eno Drive project.
- 1967 to the present – the identified corridor reserved and protected from development through zoning, site plan, and subdivision approvals; land use plans developed and approved with an underlying transportation system plan.
- In 1989 - the N.C. General Assembly enacted Trust Fund legislation to increase State funding for improving primary transportation corridors.
- Included in the legislation is funding for 7 urban loops in Raleigh, Durham, Winston Salem, Greensboro, Wilmington, Asheville and Charlotte.
- Funds allocated from the Trust Fund for urban loops may only be used for the urban loops.
- Durham Northern Loop – Multilane facility on new location from I-85 west of Durham to US 70 east of Durham [affected counties Durham and Orange]
- In 1991 - NCDOT initiated corridor planning study and development of Environmental Impact Statement (EIS).
- Twenty-two information meetings/workshops held (1991-1994).
- Study process encouraged suggestions for corridors to be studied.
- In 1994 - draft EIS report was released for public comment for three build alternatives.
- In 1995 - NCDOT holds two public hearings on the studied corridors.
- In 1995 - the Durham City Council and Board of County Commissioners opposed all three alternatives and endorsed the establishment of a Joint City-County Committee to evaluate transportation alternatives to the Northeast/Northwest Loop.
- In 1996 - Alternative Committee Report was completed by a locally appointed committee of business leaders, affected neighborhoods, and the Eno River Association.
- In 1997 – NCDOT announced selected of Alternate 3 as the preferred alternative for the Northwest/Northeast Loop from US 70 to Guess Road and decided additional analysis required west of Guess Road.

- In 1998 – In response to community opposition to the three build alternates, Secretary of Transportation Norris Tolson agreed to consider additional alternates which meet the legal requirements.
- The Joint City-County Planning Committee conducted a year long review and recommended joint local endorsement of a preferred alternative.
- In 1999 – Durham City Council and Board of County Commissioners endorsed the Northern Durham Parkway and alternative which was forwarded to NCDOT for study.

Janet D'Ignazio, representing NCDOT, made comments on the alternative evaluation for the Northern Durham Parkway in response to the June 1999 Resolutions of the Durham City Council and the Durham Board of County Commissioners. She stated the Northern Durham Parkway was evaluated based on the following three (3) key factors:

- Is the Northern Durham Parkway eligible for funding by the 1989 Highway Trust Fund Act as a loop project?
- Is the Northern Durham Parkway supported by federal and state environmental regulatory and resource agencies?
- Does the Northern Durham Parkway meet the purpose and need of reducing travel demand and relieving traffic congestion on the existing and planned arterial roadway network?

Ms. D'Ignazio made comments on whether the Northern Durham Parkway is eligible for funding by the 1989 Highway Trust Fund as a loop project. She noted the 1989 Highway Trust Fund legislation allocates monies for Intrastate System, Urban Loops and other projects.

Ms. D'Ignazio noted urban loops constitute about 25% of Trust fund monies and the Highway Trust Fund is project specific [only permitted to spend the money for the project as they are described in the law]. She stated the description for the Durham Loop reads as a multilane facility on new location from I-85 west of Durham to US 70 east of Durham.

Ms. D'Ignazio stated the North Carolina Special Deputy Attorney General issued the following findings:

- The MPO proposal (Northern Durham Parkway) is inconsistent with the legislative intent.
- The legislature intended that the Durham Northern Loop consist of a bypass around Durham on new location. Roxboro Road, Cole Mill Road, and Guess Road are existing roads that have traffic capacity problems.

- The legislature clearly did not intend Trust Fund loop money to be used to improve existing inner city streets. The Northern Loop was intended to alleviate congestion, not add to it by using existing streets as part of the loop facility.

Based on the Attorney General's opinion as it is currently defined in the law, Ms. D'Ignazio stated the Northern Durham Parkway is not eligible for funding under the 1989 Highway Trust Fund Act as a Loop Project. She noted when NCDOT performed the analysis, the legal test was the first one that was finished after receiving the joint city/county resolutions. She stated "although the alternative did not pass the legal test the department determined that this was not a fatal flaw and it is always possible to go back and petition the General Assembly to change the legislation and to change the legal definition to permit some other transportation solution to be fundable with trust fund money."

Roy Bruce, of H. W. Lockner & Associates, stated his firm reviewed the alignment for the Northern Durham Parkway based on the following criteria:

- Does the Northern Parkway meet arterial design standards of NCDOT as it is being proposed.
- What could be done to tweak the alignment in order to minimize environmental and social impacts.

Mr. Bruce provided a slightly different alignment and pointed out where the alignments differ as outlined below:

- in the Treyburn area there is a slight deviation from the resolution alignment in order to minimize impacts on Core of Engineer property and a new city park or land being acquired for future development of a city park;
- an industrial site being developed in the Treyburn area that the resolution alignment went through and also some wetlands- a slight modification was made for both of these reasons;
- at the intersection of Red Mill Road and Hamlin Road - in order to minimize impacts that will occur on the Chewning Middle School - a slight deviation in the alignment to the south was made and also to minimize relocations along Hamlin Road;
- in order to improve the crossing for Ellerbee Creek and also to minimize impacts of homes along the southside of Hamlin a deviation in the alignment was made.

Mr. Bruce continued his presentation addressing the following:

- NEPA/Section 404 Merger Process
- Environmental Impacts (Cultural and Natural Resource Impacts)
- Agency permits needed

- Regulatory/Resource Agency Comments

Question #2 – Is the Northern Durham Parkway supported by federal and state environmental regulatory and resource agencies?

It was noted by Mr. Bruce that based on agency comments and environmental impacts, it is unlikely that the Northern Durham Parkway would be supported and permitted as the “least environmentally damaging practicable alternative” for a loop project in northern Durham.

Transportation Purpose and Need

Question #3 – Does the Northern Durham Parkway meet the purpose and need of reducing travel demand and relieving traffic congestion on the existing and planned arterial roadway network including streets such as: Cole Mill Road, Roxboro Road, Hamlin Road, Guess Road and Old Oxford Road.

Mr. Bruce noted the adopted Durham-Chapel Hill-Carrboro Thoroughfare Plan identified a need to alleviate congestion coming in from North Durham and East Durham. He noted a new traffic model has been developed that projects the future 2025 transportation demands in the entire Triangle area and the model was collectively developed by the following entities:

1. North Carolina Department of Transportation
2. Capital Area Metropolitan Planning Organization
3. Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (City/County of Durham)
4. Triangle Transit Authority
5. Triangle J Council of Government
6. Federal Highway Administration

He noted NCDOT and the City of Durham used this approved model to forecast 2025 traffic volumes on the local roadway networks under two scenarios:

1. The No-Build Alternative
2. The Northern Durham Parkway

Mr. Bruce stated the No-Build Alternative includes everything with the exception of the Northern Durham Parkway and Eno Drive. He noted the Northern Durham Parkway Alternative includes everything that is in the No-Build Alternative analysis plus the Northern Durham Parkway.

Mr. Bruce provided a map [powerpoint presentation] comparing traffic volumes under the No-Build Alternative and the Northern Durham Parkway [which roads will see a benefit going from a No-Build Alternative to adding a Northern Durham Parkway].

Mr. Bruce stated the conclusion reached by the North Carolina Department of Transportation - the Northern Durham Parkway will not significantly reduce travel demand or relieve traffic congestion on existing and planned arterial routes; therefore, the Northern Durham is inconsistent with the purpose and need for a loop roadway in northern Durham.

Findings from Northern Durham Parkway Alternative Evaluation

Janet D'Ignazio, of NCDOT, stated they have applied the three tests and the Northern Durham Parkway does not meet any of them and is not a fundable project under the existing language in the Highway Trust Fund law; is not a road they believe will be supported by the resource agencies as the least environmentally damaging practicable alternative; and does not meet the purpose and need that was established in the systems plan adopted by the MPO in this region. She noted the department has determined that the Northern Durham Parkway does not warrant further detail environmental study under a draft EIS scenario.

She noted this area is currently doing an update of its long range transportation plan to be submitted and approved by February 2003. She noted currently they have in the adopted TIP by the Board of Transportation which has been approved by USDOT a funded loop project on the eastern end – where the Durham Northern Parkway and the preferred alternative that came through the draft EIS actually share an alignment, which is funded through the 2002-08 TIP.

She noted NCDOT will continue participation as follows:

- Respond to questions on the Northern Durham Parkway Study
- Cooperate in the Long Range Transportation Planning Process
- Advance a loop project that is part of the adopted Transportation Plan

Ms. D'Ignazio stated it was the MPO responsibility for long range systems planning in this area. She stated if the Durham area and elected officials decide they want a loop and able to find an alternative NCDOT would request that three basic tests be applied. She noted the systems plan will answer whether the line will meet a basic purpose and need. She asked that basic environmental screening be done and/or meet the legal test in the Highway Trust Fund law or provide a clear plan of how and support for changing the Highway Trust Fund law before NCDOT engages in any more detailed project planning studies for an alternative that is brought forward.

Ms. D'Ignazio stated at such time that the systems plan determines Durham wants a loop and an alternative that can meet three basic tests, NCDOT will be happy to go forward with additional project planning [inaudible] as needed and to program it into the TIP in order for Durham to obtain the funds that are available under the Highway Trust Fund.

Mark Ahrendsen, of the City Transportation Division, made comments on what the next steps should be:

- Systems planning process
- Development of the 2025 Transportation Plan
- Durham-Chapel Hill-Carrboro Metropolitan Planning Organization

Also, Mr. Ahrendsen made comments on the following:

Status of the 2025 Transportation Plan

- Five alternatives selected by the TAC for further study
- Alternatives include various combinations of highway and transit improvements
- All alternatives include intensive bike and pedestrian systems and aggressive TDM measures
- Four include the Northern Durham Parkway
- One includes the Northeast/Northwest Loop

2025 Transportation Plan Evaluation Criteria

- Mobility/congestion
- Choice, safety, efficiency and system preservation
- Land use integration and intermodal connectivity
- Financial considerations
- Environmental and social impacts
- Air quality conformity

2025 Transportation Plan Development Schedule

- Select preferred alternative (June)
- Detailed evaluation of preferred alternative (June/July)
- Refined funding and cost estimates (June/July)
- Public Input (May – July)
- Modifications to preferred alternative (June/July)
- Endorse 2025 Transportation Plan (August)

Critical Deadlines

- Federal Air Quality Conformity Lapse February 2003
- Endorse 2025 Transportation Plan August 2002
- Six months for review agencies to approve the plan

2025 Transportation Plan Funding Implications

- Federal funding authority lapses in February 2003 if there is no approved plan in place by that date
- If there is no eligible “Loop Project” in the approved plan, no State loop funds can be in the TIP.

2002-2008 TIP Funding

- Northeast Loop – US 70 to I-85
 2006: ROW (A) \$10,000,000
 2007: ROW (B) \$ 4,500,000
 2008: Cons (A) \$11,300,000
 Unfunded \$ 54,000,000
- Northeast Loop – I-85 Northeast to I-85 West
 Unfunded \$115,980,000
- Total Project \$195,780,000

Recommendations

1. Receive the Northern Durham Parkway Alternative Evaluation report from NCDOT.
2. Refer the report to the City Council and the Board of County Commissioners for public input and discussion of transportation needs for northern Durham.
3. Develop a recommendation for TAC consideration in June.

Mayor Bell thanked NCDOT and the City’s Transportation Division for the report.

Motion by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to receive the Northern Durham Parkway Alternative Evaluation report from NCDOT was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Motion by County Commissioner Bowser seconded by Vice Chair Reckhow to receive the Northern Durham Parkway Alternative Evaluation report from NCDOT was approved at 8:05 p.m. by the following vote: Ayes: Chair Black, Vice Chair Reckhow and Commissioners Bowser, Cousin and Heron. Noes: None. Absent: None.

Comments from the City Council and County Commissioners

Referencing the legal issues on the wording in the 1989 Highway Trust Fund legislation, Vice Chair Reckhow noted Durham’s local delegation passed an amendment to the bill in 1995 which states “prior to a decision on the proposed Durham Northern Loop, the Department of Transportation shall consider all alternatives advanced by interested

parties including improvements to existing corridors.” Vice Chair Reckhow asked Ms. D’Ignazio why was Durham’s proposal discounted.

Janet D’Ignazio noted the legal test along was not a pass or fail on this. She stated if the elected officials would like she would ask the Attorney General and have them revisit the opinion they gave.

Vice Chair Reckhow stated we worked with the local delegation before the bill was passed and the main reason for the wording was to allow flexibility to use existing corridors in the community. Also, she noted the State’s preferred alternative at this point ends at Guess Road and does not meet its test with the preferred alternative.

Relative to purpose and need, Vice Chair Reckhow stated it did not appear the full proposal was evaluated which was put forth. Vice Reckhow noted the proposal put forth by the community included the road alignment which was outlined in purple and in addition it included improvement and the extension of Carver Street, and improvements to Old Oxford Highway in several places. She asked Mr. Bruce to explain why changes were made to the alignment submitted. She noted changing the alignment which made the road more like a loop south of Hamlin Road moves the road away from the proposed intersection with the extension of Carver. She stated this change reduced the impact of the proposal as it relates to routing traffic to very important areas in northern Durham County.

Roy Bruce stated if the Carver Street Extension is included in the network; it does include improvements in the resolution passed by the city and county and including improvements on existing roads such as Snow Hill Road and is part of the model. He noted the actual model was built into the network and did go up to Hamlin Road as shown in the resolutions adopted. He noted it was his understanding that every improvement that was contained in the resolution was part of the No-Build Alternative with the exception of the Northern Durham Parkway.

Vice Chair Reckhow made comments on why the intent was to bring the Northern Durham Parkway north. She noted the alternative committee reviewed origin and destination numbers and traffic counts for 501 north which is the most congested road in Durham County, and the report given by Mr. Bruce suggests that the Northern Durham Parkway will not solve the traffic problems on 501 North. She noted that the Eno Drive alternative did not reduce the traffic on 501 North either.

Wesley Parham noted data regarding Eno Drive is not a part of the report this evening. He noted the report tonight is a response to concerns of the Northern Durham Parkway Alternative. He noted the data concerning Eno Drive is available and can be provided.

Vice Chair Reckhow noted in order for an informed decision to be made the data is needed. She noted the data that was provided 2 or 3 years ago pointed out that the Northern Durham Parkway Alternative was just as good or bad as it relates to 501 North as the proposed Eno Drive. Also, Vice Chair Reckhow stated in reviewing the data in the

report and looking at the roads in Exhibit 3 in northern Durham County that are congested - they are the north-south roads not the east-west roads. She stated a solution needs to address 501 North and other arterials showing stress through 2025 in northern Durham County are Old Oxford Highway and Red Mill Road. She noted the proposal submitted by the community would help as Treyburn is built out and the traffic volumes presented this evening for Old Oxford and Red Mill would probably warrant them being four lanes by 2025. She stated the proposal [Northern Durham Parkway] was to four lane much of Red Mill Road.

Vice Chair Reckhow stated a lot more information is needed before any decision is made including a model that shows what the preferred alignment for Eno Drive does. She also stated another opinion is needed from the Attorney General on the 1995 amendment and also work with the local delegation. Ms. Reckhow stated she thought the 1995 amendment changed the rules and had the ability to be more flexible.

Council Member Clement made comments on the report from NCDOT being so negative.

Janet D'Ignazio noted the original trust fund alignment that was placed in the law came from the City's adopted Thoroughfare Plan and approved by NCDOT and that is what the legislature chose to put in the law believing that is what the citizens of Durham wanted. She stated the city's has a system planning process and the NCDOT is finished/through defending Eno Drive. She stated if the City/County comes back and tells NCDOT they want Eno Drive, they will advance it, but if the City/County comes back and informs NCDOT that something else is wanted and if it meets the three tests they will evaluate it through a project planning process. She noted if the City/County chose to go to the legislature and change the law [as long as you are solving the problem to the transportation problems in Durham we will evaluate it and consider going forward with the City/County]. She noted the vision for the Durham community is the responsibility of the City/County. She stated they wanted to help solve the problem and stop fighting over a particular alignment and damaging a long term relationship over that alignment.

Janet D'Ignazio responded to a comment in the press made by Commissioner Heron. She stated this line is erased until the City/County comes back and tells NCDOT this is the line that you want.

Mayor Pro Tempore Cheek raised concern with being able to have an alternative in place by February 2003 in order to avoid losing federal money. He asked how would it be possible to do that?

Mark Ahrendsen stated he thought it was possible. He made comments on the five alternatives selected by the TAC for further study [review the different alternatives that the City/County would like to be considered].

Commissioner Heron asked NCDOT if they were absolutely sure the proposed Eno Drive meets the three tests.

Janet D'Ignazio stated they were not sure until the environmental review process is completed particularly at the western end, but they believe they can draw the line to meet the three tests.

Commissioner Heron made comments on the Eno Drive alignment impacting Eno Park. Commissioner Heron asked that a table be provided showing a comparison [comparing Eno Drive and Northern Durham Parkway – how many areas are affected, how many homes are affected]. Also, she expressed concern with NCDOT not responding sooner than 3 years on the Northern Durham Parkway.

Chair Black made comments on the increase in traffic on Roxboro Road. In addition, she noted Treyburn is being developed and she wanted more businesses to come into that area and they need an opportunity to get to the airport faster. Also, Chair Black raised concern with changing/deviation to the alignment sent to NCDOT by the local community.

Chair Black asked if the alignment submitted by the community can be revisited and do the work that needs to be done to support that alignment.

Janet D'Ignazio stated while the line is shown adjusted on the map the technical data analysis that is included in the model which all the decision making is based on reflects what was submitted. She stated this is called coding the network - the network is coded as submitted not as it is adjusted.

Chair Black asked Ms. D'Ignazio if it was her opinion with the alignment done by the committee with the slight modifications shown and were passed – would that be able to go forward.

Janet D'Ignazio stated the issue is not the slight adjustments that were made. She noted the issue is the historic issues and going through a critical watershed.

Roy Bruce stated as far as traffic volumes, the model included the exact alignment from the Joint City/County Planning Committee recommendation. He noted as far as environmental impacts shown in the report they are based on the modified alignment and the alignment was modified partially to minimize impacts to environmental concerns. He noted if you go back to the alignment of the resolution those impacts will be greater.

Chair Black asked if the road can be built if you go back to the alignment in the resolution.

Roy Bruce stated whichever alignment you would want to construct a road, neither one of them would be chosen as the least environmentally damaging practicable alternative and therefore you cannot permit. Also, Mr. Bruce stated the impacts shown in the report take into account the 150 right-of-way that is there and 150 feet right-of-way planned for the roadway. He noted there is no right-of-way taken along Red Mill Road from the Core of Engineer Department in the report.

Chair Black asked if we stay in the dedicated right-of-way why would there be so many environmental impacts.

Roy Bruce replied there would still be impacts on the property on the land even though it is owned as right-of-way. He noted there is still wetlands there even though it is owned by someone else.

Commissioner Bowser voiced concern regarding the February 2003 federal deadline and NCDOT knowing the deadline existed and not providing the report on the Northern Durham Parkway sooner. He noted the City Council and County Commissioners have said no to the three original proposals and were asked to come up with a plan that the community endorsed and the plan was submitted, now NCDOT is saying no to the community's plan.

Janet D'Ignazio noted they provided a report in October 2000 stating the proposal submitted [Northern Durham Parkway] failed the legal test and environmental test. She stated NCDOT wanted the City/County to meet the deadline and they are willing to assist in providing data; etc. She noted the question is does this region want a loop and if so where.

Commissioner Bowser noted it has been stated by the State of North Carolina that the proposal submitted in 1960 by the State seems to be more practical. He made comments on the traffic congestion currently existing on 15-501 [Roxboro Road]. He stated the 1960 proposal will cross Roxboro Road about a mile up from Infinity to Latta Road. He asked Ms. D'Ignazio how would she suggest the City/County do something about the traffic problems in this area considering the State's practical solution.

Janet D'Ignazio replied the issue before the two governing bodies is a systems planning process [long range planning process]. She stated the big picture needs to be reviewed and this is something that will not be solved with the Durham Northern Parkway or the Northeast/Northwest Loop. She stated there is a need to evaluate a lot of very complicated transportation issues that exist in Durham and the systems planning process is for. Ms. D'Ignazio stated she could not provide an answer on how to relieve traffic problems in the Roxboro Road area and the city staff needs to work with the elected officials to answer that specific question.

Commissioner Cousin stated he did not see how a problem of this magnitude can be solved in a shorter timeframe.

Council Member Stith stated the community is faced with a deadline and the key is going to be the process from this point. Mr. Stith asked the staff if there is an estimate on potential funding for the 2025 plan.

Mark Ahrendsen replied they have begun to review that and the preliminary revenue estimates are from three to four billion dollars between now and 2025. Also, Mr. Ahrendsen made comments on the two funding eligibility issues.

At this time, the following citizens made comments:

Brian Morton, representing the Eno River Association, in support of amending the highway trust fund legislation. He noted the problem will not be solved at the project level by making modifications to the Northern Durham Parkway and not at the systems level.

Milo Pyne, representing the Eno River Association, spoke in support of changing the highway trust fund legislation.

Mayor Bell suggested scheduling a meeting between the City Council and County Commissioners to receive citizens' comments and asked the City and County Clerks to assist with coming up with a date for this joint meeting. He suggested that the report be received tonight, schedule a joint meeting to receive public input and come to the next meeting with possible solutions, and form a joint committee that can begin working on this project.

Motion by Council Member Clement seconded by Mayor Pro Tempore Cheek to refer the report to the City staff for continued study, review and recommendations was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Vice Chair Reckhow suggested that a letter be forwarded to the Attorney General asking for further clarification as it relates to the 1995 amendment. She noted it might help as the City/County work with the local delegation to seek legislative authority on what the wording needs to be.

Motion by Vice Chair Reckhow seconded by Commissioner Cousin to refer the report to staff for review was approved by 9:08 p.m. by the following vote: Ayes: Chair Black, Vice Chair Reckhow and Commissioners Bowser, Cousin and Heron. Noes: None. Absent: None.

Motion by Vice Chair Reckhow seconded by Commissioner Heron to ask the Mayor and Chair of the Board of County Commissioners to draft a letter to the State Attorney General seeking clarification on the legislation passed in 1995 asking why it does not give us flexibility to craft a local solution [and if it the current wording does not provide the flexibility - what type of wording is needed that will provide flexibility to craft a local solution] was approved at 9:09 p.m. by the following vote: Ayes: Chair Black, Vice Chair Reckhow and Commissioners Bowser, Cousin and Heron. Noes: None. Absent: None.

Motion by Mayor Pro Tempore Cheek seconded by Council Member Clement to ask the Mayor and Chair of the Board of County Commissioners to send a letter to the Attorney General's Office requesting clarification on the language relative to the 1995 amendment [what language is needed that will provide flexibility to craft a local solution] was approved at 9:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

There being no further business to come before the two governing bodies, the meeting was adjourned at 9:10 p.m.

D. Ann Gray, CMC
City Clerk